

1-1 By: Deuell S.B. No. 1175
1-2 (In the Senate - Filed March 5, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 11, 2013, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; April 11, 2013, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	Nelson	X		
1-9	Deuell	X		
1-10	Huffman		X	
1-11	Nichols	X		
1-12	Schwertner	X		
1-13	Taylor	X		
1-14	Uresti	X		
1-15	West	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the establishment of a reuse program for durable
1-20 medical equipment provided to recipients under the Medicaid
1-21 program.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter B, Chapter 531, Government Code, is
1-24 amended by adding Section 531.0843 to read as follows:

1-25 Sec. 531.0843. DURABLE MEDICAL EQUIPMENT REUSE PROGRAM.

1-26 (a) The executive commissioner by rule shall establish a program
1-27 to facilitate the reuse of durable medical equipment provided to
1-28 recipients under the Medicaid program.

1-29 (b) The program must include provisions for ensuring that
1-30 reused equipment meets applicable standards of functionality and
1-31 sanitation.

1-32 (c) The program does not:

1-33 (1) waive any immunity from liability of the
1-34 commission or an employee of the commission; or

1-35 (2) create a cause of action against the commission or
1-36 an employee of the commission arising from the provision of reused
1-37 durable medical equipment under the program.

1-38 SECTION 2. Not later than September 1, 2014, the executive
1-39 commissioner of the Health and Human Services Commission shall
1-40 establish the program required by Section 531.0843, Government
1-41 Code, as added by this Act, and adopt necessary rules to implement
1-42 the program.

1-43 SECTION 3. If before implementing any provision of this Act
1-44 a state agency determines that a waiver or authorization from a
1-45 federal agency is necessary for implementation of that provision,
1-46 the agency affected by the provision shall request the waiver or
1-47 authorization and may delay implementing that provision until the
1-48 waiver or authorization is granted.

1-49 SECTION 4. This Act takes effect immediately if it receives
1-50 a vote of two-thirds of all the members elected to each house, as
1-51 provided by Section 39, Article III, Texas Constitution. If this
1-52 Act does not receive the vote necessary for immediate effect, this
1-53 Act takes effect September 1, 2013.

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